

## 98-14: Container Top Protection

### Information

### Action

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#### **INFORMATION**

On May 12, 1998, OSHA issued a Compliance Directive (CPL 2-1.27) to all national, regional and area OSHA offices outlining a NATIONAL EMPHASIS focused inspection program for intermodal container top fall protection. The CPL instructs each area office to make every effort to inspect every stevedoring company, at each major marine terminal, *at least once within the next twelve month period*. During the inspections, OSHA's Compliance Officers are to focus on container top fall protection and determine whether employers are providing such protection in accordance with 1918.85 (j), (k) & (l) and are assuring it's use. The Compliance Officers are directed to document the type of fall protection system utilized by the employer.

If questions arise with regard to feasibility issues, and employers contends that the use of fall protection is not feasible for a particular operation, the local OSHA Area Director must consult with OSHA's Regional and National Offices (Director of Compliance Programs (DCP) or the Maritime Facilitator) [for policy guidance.]

If a decision is made not to issue a citation based on a feasibility issue, then the Area Director must consult with the Regional Office and the National Office (DCP or the Maritime Facilitator) before a decision is made to issue a citation or not.

*Fall Protection is required any time a fall hazard exists.*

*A fall hazard means the following situations:*

Whenever employees are working within 3 ft (.9m) of the unprotected edge of a work surface that is 8ft (2.4m) or more above the adjoining surface and 12 inches (.3m) or more, horizontally, from the adjacent surface; or

Whenever weather conditions may impair the vision or sound footing of employees working on top of containers.

There are *exceptions* to this rule.

"Where the employer can demonstrate that [the use of] fall protection for an employee would be infeasible or create a greater hazard due to vessel design, container design, container storage, or other cargo stowage, container handling equipment, lifting gear, or port conditions, *the employer shall alert the affected employee about the fall hazard, and instruct the employee in ways to minimize the exposure to that hazard.*"

#### **ACTION**

Employers are urged to conduct and document training and gangway safety talks used for instructing employees on the proper use of fall protection equipment and enforce its use. Also, employers should take note of the compliance order and report any "differences of opinion" regarding the application and use of fall protection equipment to PMA.

If there are "exception" situations that exist now, employers should ensure employees are "alerted and instructed" as required, and are able to recite those instructions back to the OSHA compliance officer.

Copies of the OSHA Compliance Directive are available by e-mail to the Area TAPDs, and on the WEB at [http://www.osha-slc.gov/OshDoc/Directive\\_data/CPL\\_2-1\\_27.html](http://www.osha-slc.gov/OshDoc/Directive_data/CPL_2-1_27.html)